

DOCKET NO. TOS-125-USA-CIP

REMARKS

Appreciation is hereby expressed to Examiner Alysia Berman for the interview so courteously granted on December 4, 2001. Pursuant to that interview, Claims 18 and 19 have been amended to delete reference to hypotaurine, and new Claims 20-25 have been added to present the claims of varying scope relating to the hydroxycarboxylic acid constituents used in the liniment as well as other ingredients such as an ultraviolet light absorbent and an ultraviolet light blocking agent. Support for new Claims 20-22 can be found in the Specification on page 14, lines 4-7 and 18-20. Support for new Claims 23-25 can be found in the Specification on page 15, lines 7-10, and page 14, lines 12-20. The present amendment is deemed not to introduce new matter. Claims 11 and 17-25 are in the application.

Reconsideration is respectfully requested of the rejection of Claims 18 and 19 under 35 U.S.C. § 112, second paragraph, as being indefinite in the recitation of hypotaurine. Claims 18 and 19 have been amended to delete reference to hypotaurine. It is now believed that the rejection is moot. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of Claims 11 and 17-19 under 35 U.S.C. § 102(b) as being anticipated by US, 5, 601,806 (hereinafter the '806 reference).

During the interview, the Examiner's attention was directed to

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Experiment No. 5 in column 7, lines 56-67, of the '806 reference. In Experiment 5, 1 mM thiotaurine was introduced into a quartz cell containing 1 ELM of hydrogen peroxide while irradiating with light, and a change in thiotaurine was measured by HPLC. The '806 reference indicates that the results obtained are shown in Fig. 4.

The results also show that thiotaurine was oxidized to taurine and hypotaurine after about three hours of light irradiation. However, and importantly, it was pointed out to Examiner Berman that Experiment 5 indicates that:

"With no light irradiation, however, thiotaurine did not react at all."

It is respectfully submitted that the disclosure in Experiment No. 5 of the '806 reference clearly teaches that thiotaurine will not act as an antioxidant or react at all without light irradiation. It is therefore clear from Experiment No. 5 that thiotaurine will not function as a substance possessing anti-oxygen toxicity and anti-photo poisoning properties in the absence of light irradiation. It is equally clear from the teaching of the '806 reference that thiotaurine would not react at all in the liniment called for in the claims of the present application in the absence of light irradiation.

It is respectfully submitted that it would be entirely unreasonable to conclude, based on a thorough reading of the '806 reference and especially Experiment No. 5, that thiotaurine would be effective as an antioxidant to treat skin damage caused by

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exposure to exhaust gases in the absence of light irradiation. It is also clear, based on Experiment No. 5, that one skilled in the art would conclude that thiotaurine in a liniment would in fact be relatively inert and not react at all unless irradiated for a considerable period of time with ultraviolet light (about 3 hours as reported in experiment No. 5 of the '806 reference). Therefore, it is respectfully submitted that the conclusion that thiotaurine would be an effective antioxidant against oxidation of the skin regardless of the cause is completely contrary to the disclosure in Experiment No. 5 of the '806 reference. For this reason, it is respectfully submitted that the Examiner would be justified in no longer maintaining the rejection.

New Claims 23-25 which call for a method of treating environmental stress due to automobile exhaust gases with a liniment which includes thiotaurine, an ultraviolet light absorbent and/or an ultraviolet light blocking agent are also believed to patentably distinguish from the prior art of record. With the inclusion of an ultraviolet light absorbent and/or ultraviolet light blocking agent, any thiotaurine in the liniment would naturally remain unreacted since any ultraviolet light contacting a person's skin having the claimed liniment thereon would be blocked and/or absorbed.

In view of the foregoing, it is respectfully submitted that the Examiner would be fully justified in withdrawing the rejection. Withdrawal of the rejection is accordingly respectfully requested.

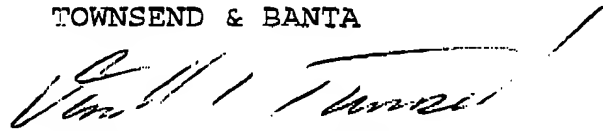
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In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance and early action and allowance thereof is accordingly respectfully requested.

In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted

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MARKED UP VERSION OF AMENDED CLAIMS 18 AND 19

Kindly substitute the amended Claims 18 and 19 for the original Claims 18 and 19 as follows:

18. (Amended) The method of claim 17, wherein the thiotaurine [or hypotaurine] is present in an amount of about 5 mmol/l.

19. (Amended) The method of claim 17, wherein the thiotaurine [or hypotaurine] is present in an amount of at least about 1 mmol/l.